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10/811,561	03/29/2004	Gabor Devenyi	03W002	1383

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EXAMINER
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JOYCE, WILLIAM C

ART UNIT	PAPER NUMBER
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3656

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### **DETAILED ACTION**

This Office Action is in response to the communication filed October 8, 2008 for the above identified patent application.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4, 5, 17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Neff (DE 198 31 940).

Neff teaches a screw device having a leadscrew follower (3), and a cylindrically shaped leadscrew shell (10), the leadscrew shell having an annular thickness of 1 to 20% the thread diameter. Accordingly, a screw device having a ratio of annular thickness of a shell to the thread diameter of 1% (.01) meets the claim limitation.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 4, 5, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over at least one of Ogata (JP 6-264985) or Mizuno (JP 8-129938).

Ogata teaches a screw device having a leadscrew follower (2), and a cylindrically shaped leadscrew shell (5) formed on a leadscrew, the leadscrew shell having an annular thickness of 10  $\mu\text{m}$ .

Ogata does not teach the cylindrical diameter of the screw, however it was known in the art to vary the diameter of the screw in order to have a predetermined operating capacity. For example, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the screw of Ogata with a diameter of 25 mm in order to have a predetermined operating capacity and operating size. Accordingly, a screw having a diameter of 25 mm and an annular shell having a thickness of 10  $\mu\text{m}$  meets the claim ratio of annular thickness to cylindrical diameter in the range of .004 to .01.

Alternatively Mizuno teaches a screw device having a leadscrew follower (5b), and a cylindrically shaped leadscrew shell (8) formed on a leadscrew (5a), the leadscrew shell having an annular thickness of 5 to 13  $\mu\text{m}$ .

Mizuno does not teach the cylindrical diameter of the screw, however it was known in the art to vary the diameter of the screw in order to have a predetermined operating capacity. For example, it would have been obvious to

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one of ordinary skill in the art at the time the invention was made to form the screw of Mizuno with a diameter of 25 mm in order to have a predetermined operating capacity and operating size. Accordingly, a screw having a diameter of 25 mm and an annular shell having a thickness of 10  $\mu$ m meets the claim ratio of annular thickness to cylindrical diameter in the range of .004 to .01.

Note, the limitation "electroless deposited" in claim 18 has been given limited patentable weight because an apparatus claim must define over the prior art in terms of structure and not the method of making the device.

#### ***Allowable Subject Matter***

5. Claims 21-26 are allowed.

#### ***Response to Arguments***

6. Applicant's arguments filed October 8, 2008 have been fully considered but they are not persuasive.

Applicant argues Nell is concerned with a leadscrew follower nut and not with a leadscrew shaft. This argument is not commensurate with the scope of the claim. Specifically, claim 17 does not recite a leadscrew shaft. Referring to claim 17, it is understood the leadscrew drive mechanism comprises a leadscrew follower (line 2) and a leadscrew shell (line 3). Accordingly, Nell discloses both a

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leadscrew follower and a leadscrew shell. Claim 17 fails to preclude the leadscrew drive mechanism of Nell.

With respect to the rejection based on either Ogata (JP 6-264985) or Mizuno (JP 8-129938), applicant argues the references are not related to a ratio of leadscrew shell thickness to shell diameter. It is acknowledged neither Ogata nor Mizuno disclose the claimed ratio, however it would have been within the skill of one in the art to configure a screw mechanism having the claimed ratio in order to produce a screw device having a predetermined operating capacity and operating size.

The arguments with respect to claims 4, 5, 17, and 20 are not persuasive and the above claim rejections are not withdrawn.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C. Joyce/ 1/3/09  
Primary Examiner, Art Unit 3656